

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

KELLY and SALLY SAMSON, husband  
and wife, on behalf of themselves and all  
others similarly situated,

Plaintiffs,

v.

CITY OF BAINBRIDGE ISLAND,

Defendant.

Consolidated Cases Filed Under  
Case No. C05-5197RJB

ORDER DIRECTING PLAINTIFFS  
ALAN AND MAUREEN WEISS TO  
SHOW CAUSE

ALAN and MAUREEN WEISS, husband  
and wife,

Plaintiffs,

v.

CITY OF BAINBRIDGE ISLAND,

Defendant.

[Case No. C05-5198RJB]

MARY LAMPSON,

Plaintiff,

v.

CITY OF BAINBRIDGE ISLAND,

Defendant.

[Case No. C05-5199RJB]

ROBERT and JO ANNE HACKER, husband  
and wife,

[Case No. C05-5201RJB]

Plaintiffs,

v.

CITY OF BAINBRIDGE ISLAND,

Defendant.

CHARLES AND SARAH KUHN, husband  
and wife,

[Case No. C05-5202RJB]

Plaintiffs,

v.

CITY OF BAINBRIDGE ISLAND,

Defendant.

JOHN L. and CAROLE D. SUTHERLAND,  
husband and wife,

[Case No. C05-5203RJB]

Plaintiffs,

v.

CITY OF BAINBRIDGE ISLAND,

Defendant.

THOMAS E. MORGAN III, and BETH  
BRYSON MORGAN, husband and wife,  
THOMAS E. MORGAN CHILDREN'S  
TRUST; BLAKELY ROCK HOLDINGS  
LLC,

[Case No. C05-5204RJB]

Plaintiffs,

v.

CITY OF BAINBRIDGE ISLAND,

Defendant.

A. GARY and BARBARA J. AMES,  
husband and wife, and A. GARY AND  
BARBARA J. AMES LIVING TRUST,

[Case No. C05-5205RJB]

Plaintiffs,

v.

CITY OF BAINBRIDGE ISLAND,

Defendant.

MARC D and TRINA LAROCHE, husband  
and wife, and BLAKELY PROPERTIES,  
LLC,

[Case No. C05-5206RJB]

Plaintiffs,

v.

CITY OF BAINBRIDGE ISLAND,

Defendant.

This matter comes before the Court *sue sponte* on review of the case file. The file indicates that Plaintiffs Alan and Maureen Weiss did not participate in the Joint Status Report (Dkt. 29) filed on November 14, 2005.

#### PROCEDURAL HISTORY

Nine actions against the City of Bainbridge Island have been consolidated under Case No. 05-5197, pursuant to the Court's order on October 20, 2005. Dkt. 16. Initially, all nine Plaintiffs were represented by the law firm of Davis Wright Tremaine LLP. On September 9, 2005, the Court permitted Davis Wright Tremaine LLP to withdraw as counsel for Plaintiffs Alan and Maureen Weiss. Case No. 05-5198, Dkt. 13. The Weisses are currently *pro se* in this matter.

On August 30, 2005, the Court ordered the parties to draft and file a Joint Status Report by November 14, 2005. Case No. 05-5198, Dkt. 10. On November 14, 2005, all parties, except for Alan and Maureen Weiss, filed a Joint Status Report. Dkt. 29. In the report, the parties contend the following:

1 The Weisses have failed to respond to any of several efforts to communicate with  
2 them about this case, including (a) an email dated Monday, October 31, 2005,  
3 from Mr. Middleton to the Weisses attaching a draft joint status report and  
4 discovery plan; (b) email and FedEx service Monday, October 31, 2005, of the  
5 Joint Motion re Joint Status Report & Discovery Plan; (c) an email dated  
6 November 11, 2005, from Mr. Middleton to the Weisses attaching a revised  
7 version of the draft joint status report and discovery plan; and (d) an email dated  
8 November 11, 2005, from Ms. Croll to the Weisses regarding Rule 26 disclosure  
9 obligations. The parties also understand that the court has been unable to  
10 communicate with the Weisses. *Id.* at 5.

11 Further, the Court has not received any correspondence or filings from Plaintiffs Alan and  
12 Maureen Weiss since September 9, 2005, when they became *pro se* in this matter.

13 ORDER

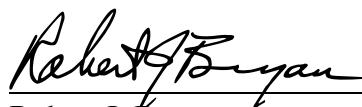
14 Plaintiffs acting *pro se* are responsible for following orders issued by the Court, which  
15 includes participating in the drafting and filing of the Joint Status Report. Because Plaintiffs  
16 Alan and Maureen Weiss are acting *pro se* and may be unfamiliar with their obligations, it is  
17 appropriate for the Court to allow them another two weeks to show cause why their claims  
18 should not be dismissed for failure to prosecute and for failure to obey the orders of the Court.

19 Therefore, it is hereby

20 **ORDERED** that Plaintiffs Alan and Maureen Weiss may show cause in writing, if any  
21 they have, why their case should not be dismissed for failure to prosecute and failure to obey the  
22 orders of the Court. Any response to this Order to Show Cause must be filed on or before  
23 December 14, 2005. If not so filed, all claims filed by Plaintiffs Alan and Maureen Weiss in this  
24 matter may be dismissed without further notice.

25 The Clerk of the Court is instructed to send uncertified copies of this Order to all  
26 counsel of record and to any party appearing *pro se* at said party's last known address.

DATED this 1<sup>st</sup> day of December, 2005.

23  
24   
25 Robert J. Bryan  
26 United States District Judge